# State of Maryland

State Labor Relations Board

In the matter of:	· · · · · · · · · · · · · · · · · · ·
Jerome Lewis III,	, )
,	)
	)
Petitioner	)
	) SLRB Case No. 2018-U-04
V.	)
J. Deweese Carter Youth Facility,	
Department of Juvenile Services, &	)
AFSCME, Maryland,	)
Respondents	)
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### **Board Dismissal for Untimely Filing**

On August 18, 2017, Jerome Lewis III (Lewis) filed an Unfair Labor Practice (ULP) against the J. Deweese Carter Youth Facility (JDCYF) under the Maryland Department of Juvenile Services as well as the American Federation of State, County, and Municipal Employees (AFSCME). This ULP was filed pursuant to State Labor Relations Board (SLRB) regulations at COMAR 14.32.05, and after receipt of the ULP, the Executive Director notified AFSCME and the Center of the filing, and requested that both respondents file a response with the SLRB, which they did.

Pursuant to SLRB Regulations at COMAR §14.32.05.02G - H, the Executive Director investigated the allegations contained in this petition and recommended by a report issued on January 31, 2018, that Petitioner Lewis' complaints against AFSCME and the JDCYF are untimely and should be dismissed. Per the same series of COMAR regulations, any party aggrieved by the Executive Director's recommendation is permitted to request reconsideration by the full board no later than fifteen days after the issuance of the Executive Director's recommendation. Petitioner Lewis' request for reconsideration was due on Thursday, February 15, 2018, and to date, no request for reconsideration has been received from Mr. Lewis. The SLRB is therefore at liberty to issue a decision without consideration of further input from Mr. Lewis.

## Analysis & Discussion

The SLRB notes that Mr. Lewis and the respondents disagree on the facts of the incident that ultimately led to Mr. Lewis' termination from the JDCYF. Further, the SLRB accepts

the presentation of the positions/information of Mr. Lewis and each respondent, made by the Executive Director in her report of January 31, 2018 (attached here). Based on reviewing the case materials and the Executive Director's report, the SLRB is persuaded that Mr. Lewis knew:

- 1. The date of the incident involving himself and Ms. McGowan,
- 2. The manner and dates on which allegations were brought against him (based on video evidence).
- 3. The date on which Mr. Lewis' employment was terminated,
- 4. The dates corresponding to the grievance of his termination,
- 5. The date of the appeal of that grievance, and
- 6. The date of the settlement meeting with the Department of Budget and Management (DBM) in April 2017.

Despite apparent knowledge of the dates of the various stages of activity between Mr. Lewis and each of the respondents, Mr. Lewis did not file his complaint with the SLRB until August 18, 2017, over three months after the date of the settlement meeting, and over one month after the SLRB ninety day limitations period (*See* COMAR 14.32.05.01). Based on the comparison of the dates of the activity between Mr. Lewis and each respondent in this matter, with the date Mr. Lewis filed this complaint, the SLRB concurs with the recommendation of the Executive Director that this matter be dismissed due to untimely filing.

#### Order

This matter is dismissed based on untimely filing under COMAR 14.32.05.01.

Issue Date: May 24, 2018

For The State Labor Relations Board:

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Edward J. Gutman, Chair

Sherry L. Mason, Member

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Doris S. Mason, Member

LeRoy A. Wilkison, Member

### Appeal rights

Any party aggrieved by this action of the Board may seek judicial review in accordance with Title 10 of the State Government Article, Annotated Code of Maryland, Section 10-222, and Maryland Rule 7-201, *et. seq.*